

REMARKS

Claims 1-2 were originally presented in the subject application. Claims 1 and 2 were amended, and claims 3-8 added, in a response dated September 25, 2007. Claims 1 and 3 were amended in a response dated June 12, 2008. Claims 1 and 3 have hereinabove been amended to more particularly point out and distinctly claim the subject invention. No claims have herein been added or canceled. Therefore, claims 1-8 remain in this case.

The addition of new matter has been scrupulously avoided. In that regard, support for the common amendment to claims 1 and 3 can be found in the published application at, for example, numbered paragraph 0037.

Applicants respectfully request reconsideration and withdrawal of the sole ground of rejection.

35 U.S.C. §103 Rejection

The Office Action rejected claims 1-4 and 6-8 under 35 U.S.C. §103(a), as allegedly obvious over “Applicants Admitted Prior Art” (U.S. Patent Application Serial No. 10/711,034) in view of Nakamura et al. (U.S. Patent No. 5,920,554). Applicants respectfully, but most strenuously, traverse this rejection.

In the Response to Arguments section on page 2 of the Office Action, it is alleged that the “Simple Approach” paper makes it obvious to bring IDMA techniques to CDMA systems, citing page 391, third paragraph of the Introduction and the Abstract. However, after reading the Abstract several times, it is clear that it only raises differences between IDMA and CDMA. The section of the Introduction cited also distinguishes the two techniques, but does include the following: “Being a wideband scheme, IDMA inherits many advantages from CDMA...” Applicants submit the quoted language is not the suggestion to port IDMA to CDMA as alleged in the Office Action. Instead, Applicants submit the quoted language simply indicates the two schemes share some characteristics

as a result of both being wideband schemes. This is especially true in light of the entirety of the paper, which clearly differentiates the two techniques.

Addressing the substantive rejection, amended claim 1 recites a method for IDMA signal transmission. The method comprises assigning a code to each user, where the code can be the same or different for different users and of the same or different rates for different users. The method further comprises encoding a source data sequence to create a coded source data sequence for each user using an encoder assigned to that user, and interleaving each coded source data sequence so as to modify an order of the coded source data sequence to produce an interleaved data sequence, wherein interleaved data sequences from different users are distinguished by using different interleaving schemes. The method further comprises assigning a pre-calculated arrival power level to each user, wherein the arrival power level is different for at least some users, and transmitting an IDMA signal comprising the interleaved data sequence for each user using the assigned pre-calculated arrival power level for that user.

Claim 1 has been amended to recite a pre-calculated *arrival* power level assigned to each user, and which is *different* for at least some users. This is in stark contrast to CDMA techniques, wherein the objective is for the arrival power levels to be *equal* for all users. Although arrival power is not expressly laid out in Nakamura, it is clear from at least column 5, lines 64-65, that the power for all transmissions is not dependent upon the user, and is the same for all. Moreover, Nakamura is clearly related to CDMA, and one skilled in the art would, without more, presume the CDMA arrival power scheme in Nakamura. Thus, while the present invention has unequal arrival power levels for at least some users, CDMA (which Nakamura relates to) is an equal arrival power scheme.

The Office Action indicates that the second assigning aspect and the transmitting aspect of claim 1 are not disclosed in “Applicants’ Admitted Prior Art”; instead, the Office Action cites to Nakamura against these aspects.

As an initial matter, however, similar to “Applicants’ Admitted Prior Art,” Applicants reiterate that Nakamura is directed to CDMA signal transmission (e.g., see

title and Field of the Invention), and not the claimed IDMA signal transmission. As remarked above, the paper listed in paragraph 0016 of the present published application does not fairly suggest porting IDMA techniques to CDMA systems. Further, these are different types of signal transmission, which difference affects what is meant by "Power Control." Thus, Applicants submit it would not be obvious to one skilled in the art to port power management techniques from a CDMA scheme, as in Nakamura, to an IDMA scheme as in the present invention. The Office Action presents no evidence that porting over such techniques would even work, with or without other changes not disclosed, taught or suggested, much less porting the specific power management techniques.

Therefore, for at least the reasons noted above, Applicants submit that claim 1 cannot be made obvious over "Applicants' Admitted Prior Art" in view of Nakamura.

Claim 3 includes aspects similar to those argued above with respect to claim 1. Thus, Applicants submit that the remarks above apply equally to claim 3. Therefore, Applicants submit that claim 3 cannot be rendered obvious over "Applicants' Admitted Prior Art" in view of Nakamura.

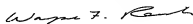
CONCLUSION

Applicants submit that the dependent claims not specifically addressed herein are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations. In addition, Applicants do not acquiesce to any allegation in the Office Action, including "well-known in the art" or similar allegations that may have been made in the Office Action. Further, unless specifically set forth otherwise, Applicants request proof of any such allegations in the form of properly cited prior art or other allowed evidence.

For all the above reasons, Applicants maintain that the claims of the subject application define patentable subject matter and earnestly request allowance of claims 1-8.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,



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